

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LANIEL DAVENPORT,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 08-110
)	
CITY OF CLAIRTON, PA and)	
OFFICER MICHAEL MERLINO,)	
)	
Defendants.)	

O R D E R

AND NOW, this 9th day of June, 2009, after the plaintiff, Laniel Davenport, filed an action in the above-captioned case, and after a motion for partial summary judgment was submitted by plaintiff, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and by the defendants, City of Clairton and Officer Michael Merlino, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 27), which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiff's motion for partial summary judgment (Docket No. 19) is denied.

S/ Terrence F. McVerry

United States District Judge